



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.3035 of 2017

and

W.M.P (MD) No.2428 of 2017

A.Subbaiah

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
3. The Joint Director,
Animal Husbandry Department,
Tirunelveli,
Tirunelveli District.
4. The Assistant Director,
Animal Husbandry Department,
Ambasamuthiram,
Now at Cheranmadevi,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to impugned proceedings in Na.Ka.No.2034/A5/2016 dated 29.11.2016 on the file of the fourth respondent and quash the same as illegal and arbitrary and consequently direct the second respondent to issue patta for house bearing D.No.1/39A in the name of the petitioner which is situated at Puthukuruchi Main Road, Alwaneri Post, Nanguneri Taluk, Tirunelveli District - 627 354.

For Petitioner

: Mr.A.D.Ganeshamoorthi

For Respondents

: Mr.K.Guru,

Additional Government Pleader.

**ORDER**

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order issued by the fourth respondent in Na.Ka.No.2034/A5/2016 dated 29.11.2016, by way of issuing a writ of certiorarified mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that in Survey No.114/1, the petitioner has constructed a house and enjoying the same for more than 60 years. Apart from the petitioner, so many persons have constructed houses. But the fourth respondent, without looking into the other encroachers, has erroneously issued the impugned notice dated 29.11.2016. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned Additional Government Pleader appearing for the respondents has contended that the petitioner has encroached Survey No.114/1 and the same has been classified as Mandai Poramboke. Since the petitioner has encroached the land in question, the impugned notice dated 29.11.2016 has been issued and there is no flaw nor illegality in issuing the impugned notice by the fourth respondent and therefore the present writ petition deserves to be dismissed.

4.It is seen from the records that Survey No.114/1 has been classified as Mandhai Poramboke.

5.It is an admitted fact that the petitioner has encroached a portion of the same and put up a building.

6.The learned counsel appearing for the petitioner has also contended to the effect that not only the petitioner, who has encroached Survey No.114/1, but so many persons have encroached the same.

7.Considering the fact that Survey No.114/1 has been classified as Mandhai Poramboke in which the petitioner or anybody else is not having any tangible interest and also considering that the fourth respondent has already issued the impugned notice, this Court is not inclined to quash the same and therefore the relief sought in the writ petition cannot be granted.

<https://hcservices.ecourts.gov.in/hcservices/>, this Writ Petition is dismissed. No costs. However, the fourth respondent is directed to take appropriate action for the purpose of removing all encroachments from Survey



No.114/1 which is classified as Mandhai Poramboke. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

/True copy/

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Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
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Animal Husbandry Department,
Tirunelveli,
Tirunelveli District.
4. The Assistant Director,
Animal Husbandry Department,
Ambasamuthiram,
Now at Cheranmadevi,
Tirunelveli District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 61961.

+1 CC to M/s.A.D.GANESH MOORTHY, Advocate, SR No. 61524.

PS

PSM/MR-KKR/SAR2/06.07.2017/3P/7C

ORDER MADE IN
W.P(MD)No.3035 of 2017
and
W.M.P(MD)No.2428 of 2017
22.06.2017